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19 UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA	
ANIBAL RODRIGUEZ, SAL CATALDO, Case No.: 3:20-cv-04688-RS	
JULIAN SANTIAGO, and SUSAN LYNN HARVEY individually and on behalf of all DECLARATION OF RYAN MCGEE IN	V
22 other similarly situated, SUPPORT OF PLAINTIFFS'	
23 Plaintiffs, ADMINISTRATIVE MOTION TO SEA PORTIONS OF MOTION FOR CLASS	
24 vs. CERTIFICATION	
Judge: Hon. Richard Seeborg	
GOOGLE LLC, Courtroom 3 – 17th Floor Date: October 5, 2023	
Defendant. Time: 1:30 p.m.	
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DECLARATION OF RYAN MCGEE IN SUPPORT OF PLAINTIFFS' MOTION TO SEAL PORTIONS OF BRIEFING ON MOTION FOR CLASS CERT AND MOTION TO EXCLUDE LASINSKI Case No. 3:20-cv-04688

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DECLARATION OF RYAN MCGEE

- I, Ryan McGee, declare as follows.
- 1. I am an associate with the law firm of Morgan and Morgan, counsel for Plaintiffs in this matter. I am an attorney at law duly licensed to practice before all courts of the State of Florida and admitted pro hac vice for this case. Dkt. 13. I have personal knowledge of the matters set forth herein and am competent to testify.
- 2. Pursuant to Civil Local Rule 79-5, I submit this Declaration in support of Plaintiffs' administrative motion to seal portions of their motion for class certification. In making this request, Plaintiffs have carefully considered the relevant legal standard and policy considerations outlined in Civil Local Rule 79-5.
 - 3. Plaintiffs respectfully request that the Court seal:
 - Portions of paragraphs 149, 152, 182, 191, 192, 244, and 246, as well as portions of Appendix K of the March 22, 2023 Expert Report of Jonathan Hochman ("Hochman Report"), which contain information related to the Plaintiffs, including unique identifiers, contact information, location, and private app activity.
 - The entirety of Appendices A, B.1, B.2, C, and K of the Hochman Report, which contain information related to the Plaintiffs, including unique identifiers.
 - Portions of Exhibit 20 to the Declaration of E. Santacana in Opposition to Plaintiffs' Motion for Class Certification, which contain information concerning a minor who is a non-party to this litigation.
 - d. Portions of Exhibit 6 to the Declaration of E. Santacana in Support of Google's Motion to Exclude the Opinions of Michael J. Lasinski, which contain information concerning Ms. Harvey's home address, email addresses, and banking institutions.
- The information requested to be sealed is being designated by Plaintiffs as 4. "Confidential" pursuant to the parties' Stipulated Protective Order (Dkt. 70).

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- 5. Specifically, the portions of the Hochman Report sought to be sealed associate one of the named Plaintiffs with various unique identifiers. E.g., Hochman Report ¶ 192 (discussing a named Plaintiff's phone number, zip code, and device information). Plaintiffs also seek to seal spreadsheets containing and analyzing records produced from Google's logs, which Plaintiffs expect Google will in any event seek to seal. Plaintiffs also seek to seal information concerning a non-party minor contained in Google's brief opposing class certification and Exhibit 20 thereto, as well as information concerning a Plaintiff's home address, email addresses, and banking institutions, contained in Exhibit 6 to Google's motion to exclude the opinions of Michael J. Lasinski.
- Similar requests to seal were granted in Calhoun v. Google LLC, No. 4:20-cv-6. 05146-YGR-SVK (N.D. Cal.), Dkt. 198 (sealing Calhoun plaintiffs' web browsing history and information), and Brown v. Google LLC, No. 4:20-cv-03664-YGR (N.D. Cal.), Dkt. 804 (sealing Brown plaintiffs' web browsing history and information).
- If the Court were to deny sealing this information, Plaintiffs could be subjected to a heightened risk of injury, including identity theft. I was personally involved at all stages of the litigation in Adkins v. Facebook, Inc., No. 3:18-cv-05982-WHA (N.D. Cal.) including expert discovery and related motions practice. I personally presented plaintiffs' tutorial before Judge Alsup with two cybersecurity experts (one of whom served as plaintiffs' testifying expert) to discuss data breaches and exploitation of personal information. No. 3:18-cv-05982-WHA, Dkts. 20, 65.
- 8. I also personally defended the expert deposition of the testifying cybersecurity expert, and I personally argued the *Daubert* motions that Facebook filed against our experts. The information Plaintiffs seek to seal here is of substantially the same type of information that can be used to gain unauthorized access to personal accounts.
- I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 12th day of October, 2023, at New York, New York.

/s/ Rvan McGee